

FINAL REPORT |



2004-2005 SISKIYOU COUNTY GRAND JURY

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July 22, 2005

Citizens of Siskiyou County:

Each year nineteen jurors are chosen for the Grand Jury, serving over 40,000 residents of Siskiyou County. In this capacity we seek out injustice and work with both the agencies that preside over our county and the citizens that support us to ensure effective governance.


Grand Juries have a deep-rooted historical background in our state as well as our nation. In a state that can seem to be consumed by bureaucracy, the Grand Jury system creates an unbiased platform where a citizen's voice can be heard. Our County's Grand Jury continues this tradition, offering valuable information to county agencies while raising public awareness on issues that affect us all.

As have our predecessors, we have worked long and diligent hours to provide this year's report. I personally hope, and truly believe, that our efforts have not been in vain, and that the content provided will allot valuable insight to County agencies while also raising public awareness and interest.

I appreciate being afforded the opportunity to serve our County for the past two years. I also appreciate the support I have received from the California Superior Court Siskiyou County as well as from all of the cities, departments, and agencies throughout our County. I encourage everyone to take an active roll in our government and to continue utilizing the Grand Jury as a forum for improving our County.

We hereby offer our report on Siskiyou County Government to the citizens of Siskiyou County.

Sincerely,


Jack Forrest Simpson
Foreperson

Jack Simpson
Foreman

Robert Ashworth

Howard Bartley

Steve Brown

Nancie DeRoss

Timothy Dickinson

Carol Fowler

Paul Kirchoff

Joe Kriz

Steven Lyman

Don McCormick

Jim Mello

Linda Joyce Miles

Claire Morton

Jack Partlow

Frank Rightmier

Eric Schoonmaker

Michael Zanger

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HORNBROOK FIRE BOARD

Grand Jury File 090204-1

BACKGROUND:

A citizen complained that the Brown Act (open meeting law) had been violated by the Hornbrook Fire Board and questioned the legality of the reorganization of the Fire Board and Fire Department.

FINDINGS:

With reference to the complaint about the Brown Act violation:

1. In November 2003, Hornbrook Neighborhood Watch held a meeting and discussed the Hornbrook Fire Department. This was an open and public meeting. There was no indication that violations of the Brown Act occurred. The Fire Department was understaffed and of great concern to the citizens.
2. Neighborhood Watch wrote the County Board of Supervisors requesting help with the problems involving the Fire Department.
3. The County Board of Supervisors found the Hornbrook Fire Board and Fire Department were in disarray and understaffed.
4. Public Notices were printed, posted, and mailed announcing the meeting for the reorganization of the Fire Board. The meeting was open and public. All citizens were invited to participate and volunteer.
5. In the meeting of January 26, 2004, the citizen's complaints were heard by the Fire Board and discussed.
6. In February 2004, the new Fire Board was legally established and appointed officers to fill the vacant positions in the new Fire Department.

CONCLUSIONS:

1. The Hornbrook Fire Board and Fire Department are now functioning appropriately.

2. Documentation shows that the meetings, elections and appointments were all done with due process, legally and openly.

3. SB1207 Specifies Training Requirements for all Fire and Rescue personnel. The Hornbrook Fire Department is on track and currently abiding by these requirements.

COMMENDATIONS:

As a newly organized Fire Board and Department, we find the board and the department are doing a good job with the limited resources and manpower they have. They also have a plan for the future to accommodate new construction developments and new equipment acquisitions.

RESPONSE:

No response is required.

Mount Shasta Fire Protection District (MSFPD)
Grand Jury File 090204-2

BACKGROUND:

A number of complaints regarding the MSFPD Board and a former MSFPD Fire Chief were received by the Grand Jury this year. They are as follows:

1. Sexual harassment by the Fire Chief* who allegedly touched a female in an inappropriate manner.
2. Various violations of the Brown Act by the MSFPD Board including a meeting by the majority of the Board that was not publicized, and at which the Board improperly rescinded an adopted ordinance.
3. Falsification of a driver training record by the Fire Chief* stating that a volunteer had been certified on a manual shift fire engine when it was an automatic shift.
4. Signatures of volunteer staff on training sign-in sheets were forged by the Fire Chief*.
5. Lack of budgeting or backup to support warrants the Board approves at their regular meetings.
6. Conflict of interest related to rescission of the Fire Prevention and the Fire Standards ordinances. At the time of the vote, a MSFPD Board member, through his spouse, had an interest in a real estate development in the District which could be affected by the rescission of the fire ordinances.
7. The Fire Chief* created an atmosphere of conflict leading to the loss of volunteer fire fighters.

FINDINGS:

1. The accusation of sexual harassment was not corroborated by any of the other interviewees, including Board members and volunteer fire fighters.
2. At one point, there were only four active members on the Board. During this time two members attended a private unpublicized meeting related to District business.
3. The Board did follow the Brown Act in adopting fire ordinances by holding multiple hearings. However, the ordinances were rescinded in a meeting without public input.

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4. The complainant stated that the Department of Motor Vehicles was investigating the driver training record falsification allegation. However, a DMV investigator stated that there was no investigation, only a routine review of files. No other documentation was found to substantiate this claim.
 5. The Assistant Fire Chief routinely filled in the names of those who had not signed into the training class. While there was no written policy on this subject, a survey conducted by the Board indicated that a number of fire districts in Siskiyou County followed a similar procedure using staff or volunteers to sign for the attendees.
 6. The Board operates on a cash flow (spend it if you have it) basis. This means the District does not plan its spending practices and does not provide for future equipment replacements, emergencies, etc. Also, since there has been no budget or plan, the Board has no standard for determining the validity of expenditures. As a result, the Board, on meeting nights, approves warrants based on available receipts with no other justification for the expenses, and their impact on the overall budget.
 7. The MSFPD Board adopted fire prevention and fire standard ordinances on October 28, 2002. The fire prevention ordinance was used to establish a fire education program throughout the District and was properly adopted. The fire standard ordinance defined the requirements on new construction. Adoption of these ordinances is governed by California Health and Safety Codes 13869 and 13869.7, respectively. The Fire Chief established a fire prevention program. However, he enforced building standard requirements without delegation of authority from the MSFPD Board. Additionally, the building standard ordinance was not in effect since it had not been approved by the County and the State in accordance with California Health and Safety Code 13869.7. On June 9, 2003, a MSFPD Board member argued that both fire ordinances were illegal and should therefore be rescinded. This Board member was questioned concerning a possible conflict of interest, and replied by stating that he was not a developer, implying that his vote was not a conflict of interest. Despite this challenge, he voted that night to rescind both fire ordinances.

8. An investment company was organized in 2001 for the purpose of developing a 125 acre plot located within the MSFPD. The board member's wife was one of the original partners in the company and remained a partner through 2004. At some point during 2003, he also became a partner in the investment company as noted in the California Fair Political Practices Form 700 filed March 29, 2004.

9. In relation to the adoption of fire codes, it should be noted that Siskiyou County does not have a uniform fire code for new construction. The current Safety Element of the County General Plan has not been updated since 1976. The fire safety portion of the Safety Element only requires Siskiyou County to seek the advice of the CDF. This Element of the General Plan is out of date and does not conform to the requirements of the State of California General Plan Guidelines 2003. While there is significant activity in the County regarding fire safety, there are no established guidelines to assist the fire safe councils, fire chiefs and the districts in creating a fire safe environment.

10. The MSFPD was founded in 1938, but depended on and paid for fire protection services from the City of Mt. Shasta. In 2002, the MSFPD cancelled its contract with the City to provide its own fire protection. The argument for independence was based on the idea that the MSFPD was spending a great deal of money for service and yet felt itself as being treated as an insignificant partner. The decision to establish a separate fire fighting organization was enhanced by the availability of an experienced fire chief who was willing to put together a department at virtually no cost to the District for his time and effort. There was no signed agreement stipulating the terms of this endeavor. There was also no plan for how the separation would be made from the City, nor was there a plan for how the Department would be shaped and grow. These decisions were primarily left for the Chief to define.

11. Today there are no board approved and board controlled policies that detail the many duties, responsibilities and limitations of the Fire District staff. The lack of definitive policies and procedures have led to numerous arguments over the proper use of Fire District vehicles, equipment, utilization of personnel, avenues of appeal and many other issues related to the administration and management of the

District. Additionally, the Board has received no training related to administration of the District, nor to the various laws and practices essential to the success of the District. The District is one of the best funded districts in the County, and still it has no financial plan for how to deal with funds or how to prepare for future development.

CONCLUSIONS:

1. There is no evidence to support the sexual harassment claim.
2. The Board may have violated the Brown Act on at least two occasions.
3. There is no evidence to support the claim that a driver training record was falsified.
4. We found no evidence that the Fire Chief* falsified training attendance sheets.
5. The State of California places great weight on volunteer fire fighter certification. Using other people to sign in trainees exposes fire districts to potential liability.
6. The cash flow method of expenditures means the Board does not have a procedure to ensure that warrants submitted for approval are properly documented and justified, and has no defined plan for the future Fire District needs.
7. A conflict of interest may have occurred when a board member, with vested interest in a real estate development, voted to rescind the fire ordinances.
8. The fire prevention ordinance was valid and should not have been rescinded.
9. The Safety Element of the Siskiyou County General Plan is out of date and does not comply with California State fire safety standards.
10. The Chief is responsible for some of the climate of conflict. However, the Board is also at fault for not planning the development of the Department and for not defining the limits of the Fire Chief's responsibilities. The MSFPD Board effectively removed itself from the management of the District allowing the Chief to make unilateral decisions.

RECOMMENDATIONS:

1. The MSFPD Board must establish a plan for the future.
2. The MSFPD Board must develop a set of policies and procedures that detail all aspects of the Department's functions.
3. The MSFPD Board needs training – County and California Special Districts Association among others provide this training at minimal expense.
4. The MSFPD Board must develop accounting controls and procedures that insure segregation of duties as required by generally accepted accounting principles.
5. The County District Attorney should investigate the conflict of interest issue as well as the possible Brown Act violation..
6. The County Board of Supervisors should develop a uniform fire code. It is recommended that this effort include a coalition of the Fire Chiefs' Association, the various fire safe councils and the CDF to create a plan that is effective and economic.
7. The Fire Chiefs' Association should establish requirements to insure that training is properly documented.

RESPONSE REQUESTED:

1. The MSFPD Board is requested to respond per 933.05 (a) PC.
2. The Siskiyou County District Attorney is requested to respond per 933.05 (a) PC.
3. The Siskiyou County Board of Supervisors is requested to respond per 933.05 (a) PC.
4. The Fire Chiefs' Association is requested to respond per 933.05 (a) PC.

* All references to the "Fire Chief" in this report refer to the Fire Chief prior to February 2005.

McCloud Community Services District (MCSD)
Grand Jury File 120204-10

BACKGROUND:

A complaint was received which stated that the MCSD managers, both present and past, have managed the District at their own discretion, with no oversight by the District Board of Directors. Further, the Board has supported this behavior by limiting public input, not implementing adequate accounting controls, authorizing exorbitant wages, increasing staff size, unwisely purchasing new equipment, ignoring criminal behavior of managers and allowing exorbitant fee increases.

FINDINGS:

A number of people were interviewed including some District staff, Board members and members of the community. Information from these interviews and other investigations led to the following findings:

1. The District has for many years used an accounting system that is maintained by an accounting manager. The Manager makes financial reports to the Board at regularly scheduled meetings.
2. The District is audited annually, and audit reports are available at the District Office. The same auditing firm has been used for the past six or seven years. The County prefers that auditing firms be changed every five years. However, there is an added cost due to the need for a new firm to create a whole new data base for its audits. The District recently developed a policy bidding out the audit process every other year.
3. There were two managers in the late 1970s and early 80s who were removed for misappropriation of funds and equipment. One case was substantial enough to lead to a criminal conviction. Today, fixed assets are tagged with unique identification numbers and are audited annually. The audit report is certified by the Manager and submitted to the Board. Every year the District Manager is given a Board

approved set of personal goals and objectives related to the Manager's job. These form the basis for the evaluation of the Manager.

4. The District has approximately 100 policies and procedures that deal with a wide variety of issues related to personnel, operations, Board meetings, etc. These policies allow the Board to control the decision making process of the Manager and the conduct of meetings, etc.

5. The concern related to fee increases is widespread in the community. Each year the Budget Committee meets to develop the next year's budget. This process is open to the public for their comment and input. Additionally, the District has a 20 year master plan for the sewer system, and is working on similar plans for the other services. These plans enable the community and District Board to have an ongoing discussion concerning the future development of the District.

6. Over the past several years, the District has replaced most of its aging equipment with newer models. Reasons for replacement include less costly maintenance, quicker repairs, the need to meet OSHA safety standards (worker safety) and improved efficiency in doing the job. The District's advanced planning committee is also developing a long range plan that addresses its capital asset needs.

7. The District Manager's salary (approximately \$60,000 per year) has been partly justified by his ability to obtain grant funds for the District. To date, the record stands at \$16 million. A substantial amount of this funding allowed the District to, among other things, replace its failing sewer system and upgrade the water supply system.

8. In recent years, with increased public attendance at Board meetings, the Board has found it necessary to limit public comments to five minutes in order to control the length of the meetings.

CONCLUSIONS:

1. The District appears to be functioning in an orderly and well documented way. The District Board has adequate oversight of the Manager and compensates the Manager appropriately. Additionally, a long range planning process is in place to address the District's future needs.
2. The controls and procedures governing District funds and assets appear to be adequate and functional.
3. Limiting public comment to five minutes at District Board meetings does not impair the public's opportunity to give valid input. Additionally, the public has opportunities for input at committee meetings, and by written correspondence.

COMMENDATIONS:

1. The District Manager and Board are to be commended for their integrity and hard work in making this District work as well as it does to provide quality service to the residents of McCloud.

RECOMMENDATIONS:

None.

RESPONSE REQUESTED:

None.

CITY OF TULELAKE
Grand Jury File 010605-11

BACKGROUND:

In 2001, the City of Tulelake received a grant of \$600,000 from the State of California (AB1637) for the purpose of improving the City's water quality. Options for improving the water quality included repairing and improving the existing system or drilling a new well. A complainant alleges that the City's long term engineering consultant and the Public Works Director recommended the grant money be used to upgrade and repair critical components of the water system rather than drill a well. Both allegedly determined that the existing wells were satisfactory to meet city needs and a new well was not needed. These recommendations were allegedly never considered by the Council. It was further alleged that two Council members controlled the project and did not consult with legal counsel and engineering expertise available to the City.

FINDINGS:

1. The Tulelake City Council voted on October 15, 2001 to send a letter to California Office of Emergency Services (OES) to make Nimbus Engineering of Reno, Nevada the sole bidder on this project. This effort was apparently unsuccessful.
2. On December 10, 2001, at a special meeting, the City Council voted to drill a new well on City property within the city limits and as close to the City well as possible.
3. A competitively bid contract to provide engineering services was awarded to Nimbus Engineering on February 26, 2002.
4. The contract to drill the well was awarded to Lang Well Drilling, an Elko Nevada Company, on October 3, 2002.

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5. Approximately \$575,000 was spent on engineering, drilling the well and installing the casing. The well was completed on November 14, 2002 and was capped until additional funds could be raised. As of this report, no further work has been done on the project.
 6. There were few records at the Tulelake City Hall documenting this project. Executed contracts, amendments/change orders, legal counsel advice, well drilling logs, correspondence, permits, progress reports, etc. were missing.
 7. Individuals with long term engineering knowledge of the city water system felt that the City did not need a new well, and that the grant money should be spent in upgrading critical elements of the water system.
 8. While the drilling engineering contract was awarded using a competitive bidding process, we noted that the selection criteria were prejudicial. The criteria were developed by an individual with no engineering expertise and were structured to insure that only Nimbus Engineering would qualify.
 9. Documentation (The Nimbus Proposal) and direct testimony indicated that the City Council was aware that the \$600,000 grant would not complete the project.
 10. The contract for drilling was made without bid to Lang Well Drilling at a cost of approximately \$490,000. The contract was signed by the former mayor. However, there is no record that the City Council authorized the signing of the contract. Also, California Code requires contracts over \$15,000 to be competitively bid except in emergency situations. Testimony and documentation indicated that the City Council did not consider this project to be an emergency.
 11. The two contracts were not reviewed by Tulelake legal counsel.
 12. The well was drilled on BLM land, not City property as specified by the City Council.
 13. The well location, 750 feet from the water system tie in, does not meet the City Council's stated requirement of being "as close to the water system as possible". Tying the well into the system will add additional cost.

14. According to testimony, estimated costs to complete the well project will be in excess of \$200,000 over the initial grant funding.

15. Many records missing from City Hall were provided by the current mayor from her personal files.

16. There are virtually no policies and procedures or extensive by laws that govern conduct of the City Council, contracting, employment and other issues related to the running of sound government. Interviews with Council members indicated, in the Grand Jury's opinion, a general lack of knowledge of governmental processes and law.

CONCLUSIONS:

1. In signing the Lang Drilling Contract, the Mayor acted beyond the scope of his authority.
2. The Tulelake City Council is not adequately trained in governing, and does not have the necessary policies and procedures to insure quality government operation. This is especially evident in the improper control of important records, and failure to involve City expertise (legal and engineering) in determining how best to use the grant funding.
3. The Grand Jury feels that the \$600,000 has to some extent been squandered with limited benefit because two people took on a project for which they were not qualified.

RECOMMENDATIONS:

1. The Tulelake City Council should receive training in governance. Resources are available from Siskiyou County and the California Special Districts Association (CSDA).
2. The Tulelake City Legal Counsel and the Siskiyou County District Attorney should determine if any further action is required regarding the failure to follow the state laws governing competitive bidding.
3. The Tulelake City Council should adopt adequate policies and procedures for the operation of the City.

RESPONSE REQUESTED:

1. The City of Tulalake is requested to respond per 933.05(a) PC.
2. The Siskiyou County District Attorney is request to respond per 933.05 (a) PC.

Watch Dog: Siskiyou County Schools
GJ File 090204-3

BACKGROUND:

It is the responsibility of the Grand Jury to monitor public schools on an ongoing basis. This year the Grand Jury visited the Siskiyou County Office of Education.

The Siskiyou Office of Education was founded in 1857. It is governed by an elected seven member Board of Trustees and the Superintendent of Schools. The office employs 145 individuals. Currently there are approximately 6700 students and 28 school districts in Siskiyou County.

FINDINGS:

1. We met with Siskiyou County Superintendent of Schools who provided a tour of the facility located in Yreka. The office was well equipped to provide required services to the 28 school districts in the County.
2. The primary functions of the Office of Education are to assist the schools in improving services; to supervise and support the schools in complying with state laws; to provide to the District centralized services such as data processing, curriculum and legal services; and to educate specific groups not served by the school districts.
3. The Office also facilitates staff development for classroom teachers and school administrators by teaching skills to integrate technology into the classroom using the Technology Center.
4. The Office also provides services to students within the juvenile justice system in the court school.
5. The State of California has a reporting system called the Academic Performance Index or API which reflects schools' performance on various assessments. Last year Siskiyou County's performance compared to Statewide performance as follows:

	<i>State</i>	<i>Siskiyou County</i>
<i>Elementary School</i>	729	726
<i>Middle School</i>	685	760
<i>High School</i>	668	699

6. The graduation rate for Siskiyou County is 87.4% compared to the statewide rate of 86.9%.
7. It appears the county schools are doing very well.
8. There are 28 school districts with 28 school boards for 6700 students. The total cost last year for maintaining this number of boards was \$348,692. Several of these boards consist of one school with 21 to 55 students.

RECOMMENDATIONS:

1. The Grand Jury recommends that attempts be made to combine school districts. The duplicate reporting, budgeting and planning required to operate 28 separate districts takes employees away from the classroom. Even though the County is spread over a large area, savings in time, money and efficiency would result with fewer districts and school boards. The resulting savings would benefit the students.
2. The Grand Jury strongly recommends that the County Board of Education recommend redistricting to the State Board of Education.

RESPONSE:

The Siskiyou County Office of Education is requested to respond to this as per Sec. 933.05 (a) PC.

WATCHDOG: WIC
GJ File 090204-4

BACKGROUND:

In 1974 the Federal Government introduced a pilot program through the Department of Agriculture to provide nutritional education for women with infants and children. This program, known as Women, Infants and Children (WIC), falls under the Public Health Department in Siskiyou County.

FINDINGS:

1. WIC provides nutritional education to all of Siskiyou County. They have clinics in Yreka four times a month, in Mt. Shasta twice a month and once a month in Tulelake, Dorris, Happy Camp, Ft. Jones and Weed.
2. When a young woman becomes pregnant, her doctor can refer her to WIC. If she qualifies, she begins her education learning the importance of breastfeeding. The staff of WIC provides pre- and post-natal encouragement for mothers who breastfeed their infants. The WIC program in Siskiyou County has an average of 24.5% of mothers who breastfeed. The statewide average is 10.8%. The program seems very successful.
3. When the child is born, it receives medical services free for thirty days until it obtains Medi-Cal or Healthy Families coverage.
4. Child nutrition education is provided from birth to age five. WIC provides the education with an emphasis on healthy nutrition to prevent childhood obesity.
5. Counseling is tailored to meet the needs of each participant. If needed, WIC works with the Farmer's Market Nutrition Program (FMNP) and issues FMNP checks to mothers to purchase milk, eggs, cheese, fruit juice, peanut butter, infant formula, dried beans and dried peas.

6. WIC has a Siskiyou County Immunization Nurse who visits the clinic twice a month to provide needed immunizations to its participants.

7. The WIC site is friendly to children as they wait for their parents. There are toys and games in the clinic for them to use. There are nutritional brochures available for children.

CONCLUSIONS:

WIC provides a much needed service in Siskiyou County. The staff members have been with the program for many years and are both experienced and caring. They make sure their participants have access to all the health and social services provided by the County. They were very courteous and helpful to the Grand Jury.

RESPONSE:

None required.

WATCHDOG: CHILD PROTECTIVE SERVICES (CPS)

Grand Jury File 090204-5

BACKGROUND:

The 2002-2003 Grand Jury recommended, in their final report, that Child Protective Services (CPS) initiate a formal process to elicit and review complaints within their Department to assure an opportunity to address misunderstandings and problems clients have regarding their cases. This process would help avoid frustrations that clients develop with CPS.

They also recommended an outside review panel be established to which complainants could appeal and receive input from experts other than CPS employees. This panel would consist of representatives from foster families, Foster Agencies, Court Appointed Special Advocates (CASA) volunteers, Public Health, Superintendent of Schools, Behavioral Health Services, Department of Probation, Council on Domestic Violence, the community-at-large, and a member of the current Grand Jury. A member of CPS staff would attend to answer questions which pertained to applicable regulations.

FINDINGS:

1. The 2003-2004 Grand Jury did not hear from CPS regarding the panel. When the 2004-2005 Grand Jury visited CPS, the complaint forms were not available to clients.
2. The Jury met with the Director of Human Services and learned that the Director, Deputy Director and Program Manager were new to the Department having been there six months or less.
3. The new Director was aware of the recommendation and was working on it with County Counsel. Since she was learning a new position, she had not completed the project. The complaint forms had been removed because they indicated the Standing Review Panel was in existence although it was not yet in operation.

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4. A meeting of the participants was called in early April 2005 to review the process for the new panel. A temporary draft protocol was issued for everyone to review and make recommendations if necessary. All the panel members were in attendance. Under the proposal, nine voting members are appointed to the panel, but only a simple majority (five) can constitute a hearing panel. If all members are not able to make the meeting, at least five would be required to constitute a panel and a simple majority could still make recommendations. The member of the Grand Jury and the staff member from CPS will not be voting members. County Counsel will be available if needed.
 5. A final meeting to complete the training for panel members was held late in April 2005, and the proposed Standing Review Panel went into effect June 1, 2005.

CONCLUSIONS:

The recommendation of the 2002-2003 Grand Jury has been implemented. The Standing Review Panel is necessary whether or not CPS staff agree with the negative perceptions held by complainants. The perceptions need to be acknowledged and addressed in a manner constructive to the relationships needed to serve the children.

The Grand Jury would like to commend the new administrators at Human Services and CPS for their hard work and diligence on this project, in addition to learning their new positions. We would also like to thank the County Counsel for his efforts in making this panel a reality.

The Standing Review Panel will provide a much needed service to Siskiyou County.

RESPONSE:

No response is required.

WATCHDOG: BEHAVIORAL HEALTH SERVICES
GRAND JURY FILE 020305-14

BACKGROUND:

Three-complaints were received concerning the operations and policies of the Behavioral Health Services (BHS). All of the points made in these complaints are long standing and continuing, having previously been brought to the attention of the Grand Jury and the Board of Supervisors. The complaints allege as follows:

1. BHS seldom accepts clients not on Medi-Cal, and in particular those on Medicare (with the exception of emergency cases coming under Sec. 5150 of the Health and Safety Code). This creates a huge problem for a large part of the County population. The fact that there is no psychiatrist in the County, except the one connected with BHS, further aggravates the problem for those persons, particularly elderly, who are in need of care but not eligible for Medi-Cal. Even those persons who are on Medi-Cal and also Medicare are refused treatment at this facility.
2. Since there is no other psychiatric care available in the County, the complainant felt that the County should take some kind of action to be sure this type of care is available for its citizens.
3. The complainant is questioning what appears to be an unusually close connection between BHS and the "Healththerapy" organization, a private corporation providing "Hippotherapy" (therapy through learning to ride and care for a horse) to clients referred to it by BHS. The complainant further states that BHS is doing the billing to Medi-Cal for this program and charging a fee for this service. The complainant also believes that BHS is providing this billing service for other businesses in the area, all of which would seem to be in competition with local private billing companies. One of the explanations the complainant had received for BHS not accepting Medicare patients was the trouble in billing Medicare. The Complainant questions how BHS would have the time to do this private billing, yet is unable to bill Medicare.

FINDINGS:

1. BHS is set up to serve those who are in need of treatment and unable to pay. While it is true that many on Medicare are unable to pay these fees out of pocket, Medicare will step in and pay a large percentage of the bills (payment based on Medicare formula). The fact that BHS is running at near capacity most of the time further limits their ability to treat all persons who are in need of treatment.
2. The fact that there are no other psychiatrists in the north county further aggravates the problem for the elderly Medicare patients. This problem has been long recognized by BHS. They have considered alternate plans, such as having their psychiatrist confer with the patient's own doctor to see if a plan could be worked out to at least help in obtaining necessary prescription medications.
3. BHS refers many of its clients to "Healththerapy", and three other local assistance programs, when they feel that these other programs would benefit the clients. All of these organizations are Medi-Cal approved and BHS maintains jurisdiction and control over the client. BHS receives monthly billing and progress reports from these organizations, pays the bills, and then bills Medi-Cal for the clients' treatment.
4. An additional problem that came to the attention of the Investigating Committee of the Grand Jury was the high cost of rental (over \$40,000 monthly) for the building now housing BHS. It was not determined if this is a "rent-purchase" agreement or strictly a rental agreement

CONCLUSIONS:

1. It is recognized that the furnishing of medical treatment for all its citizens is not the responsibility of the Board of Supervisors.
2. The BHS referral system allows clients to receive the treatment most beneficial to them, even though BHS cannot in itself provide such treatment. It also frees up more time for the BHS employees to handle the clients for which they are equipped to care.

3. The Grand Jury feels that the monthly rental payments for the BHS building are excessive and create a hardship on BHS in trying to provide affordable medical help for the public.

RECOMMENDATIONS:

1. The Grand Jury recommends that the Board of Supervisors work with each local medical community and the various Chambers of Commerce in the County in a concerted effort to bring more psychiatrists to the area.
2. For the longer range, we recommend that the plan now being formulated for the new BHS responsibilities include arrangements for treatment of those on Medicare, as they are generally elderly and have difficulty in going the long distances necessary to seek mental health treatment.
3. The Grand Jury recommends that the Board of Supervisors investigate and, if possible, re-negotiate the BHS building rental contract.

RESPONSE:

The Siskiyou Board of Supervisors is requested to respond per 933.05(a) PC.

BEHAVIORAL HEALTH SERVICES

Grand Jury File 110404-8

BACKGROUND:

The 2004-2005 Grand Jury received complaints regarding administration of the Behavioral Health Service (BHS). The original complaint questioned whether the Director of BHS was able to carry out the duties of his position due to medical and other factors. His resignation from the directorship made that specific complaint a moot issue. However, during the investigation and interview process on that complaint, sufficient additional questions were uncovered to warrant a Grand Jury “watchdog” activity directed toward several concerns regarding BHS.

A new complaint questions why the former Director has been re-hired on a contract basis to BHS and wonders if he is qualified for the new position. The complaint also claims that he is producing no discernable work.

FINDINGS:

1. Much of last year’s Grand Jury complaint regarding communication, cooperation, morale, evaluations, and fiscal management within BHS is still valid: Most of these issues still have not been addressed or resolved.
2. There is apparently no uniform policy, or timeline for performing BHS department personnel evaluations from the Director on down.
3. The BHS building requires a rent over \$40,000 each month.

4. The new Director is aware that much of last year's Grand Jury report is still valid and is taking steps to correct the problems.

5. The former Director is working on the "Mental Health Act" program, and has set a format and manner in which this program will be implemented. He has presented several seminars describing the program and its impact. This is what he has contracted to do.

CONCLUSIONS:

In the Grand Jury's opinion, the rent of \$40,000 a month is excessive.

RECOMMENDATIONS:

1. Department personnel evaluations should be implemented on a uniform, timely and consistent basis. BHS policies and criteria should be standardized and adhered to.
2. The Board of Supervisors should be exploring ways to offset the large rent for the BHS building. Options include refinancing BHS's fixed expenses, and/or using other less expensive county facilities. An independent audit should be considered.

RESPONSE:

The new BHS Director and the Siskiyou County Board of Supervisors are requested to respond per 933.05(a)PC.

SISKIYOU COUNTY JAIL

BACKGROUND

The California Penal Code, Section 919(b) requires the Grand Jury of each county to check all “Public Prisons” within its borders for condition and management. The Siskiyou County Grand Jury fulfilled this obligation with a visit to the Siskiyou County Jail on November 1, 2004.

The jail commander conducted the tour with the assistance of other officers. We were first shown the receiving/booking area and then proceeded to the laundry, kitchen, commissary, library, shop, nurse’s office and housing areas. The Siskiyou County Jail has housing for both male and female inmates.

At the conclusion of the tour, we enjoyed a lunch prepared in the jail kitchen.

FINDINGS

1. The Siskiyou County Jail, in spite of constant use, seems in good condition. This is due to the maintenance and cleaning program, and reflects well on the jail staff.
2. The inmates are provided with a number of amenities including a library, a commissary where snacks, etc. can be purchased, a nurse’s office and a totally enclosed exercise yard. A complete laundry service is provided within the jail, and a fully equipped kitchen prepares meals of good quality.
3. In addition to correctional officers, security is maintained by video cameras mounted in strategic locations throughout the jail. Monitoring is done from a central location.
4. Twenty-four hour health care is not available at the jail. Any inmate requiring medical attention must be transported to Fairchild Medical Center. A secure room is not available at Fairchild, so officers from the jail must remain with the inmate while treatment is given.

5. Morale of the jail staff seemed reasonably good in spite of pay lag and inadequate staffing. This is accomplished, to some degree, by rotating work assignments. Also, employees are allowed to bid for job vacancies.

6. Inmates are treated well by the staff and, if their behavior warrants it, are allowed to visit the jail library, commissary and exercise yard.

7. Inmate grievances are heard by filling out a form that is channeled to the jail commander for ultimate review.

8. Currently, a possible security problem exists when moving inmates from the jail to the County Court House. There is no way to maintain a barrier between inmates and the public during transportation.

9. Frequently, individuals newly sentenced for misdemeanors must be scheduled into future cell openings, and nearly completed jail terms are shortened to accommodate new arrivals.

CONCLUSIONS:

1. The Siskiyou County Jail is a well-operated facility and reflects credit on the entire staff.

2. Both pay and staffing need to be upgraded to bring the Siskiyou County Jail to a par with other facilities of its kind in this state.

COMMENDATIONS:

The jail commander and the entire staff deserve the thanks of the citizens of Siskiyou County for an outstanding job.

RECOMMENDATIONS:

1. Continue discussions with Fairchild Medical Center to obtain a secure room to house inmates undergoing treatment.

2. Study the feasibility of constructing a sally port at the Court House to provide constant security during inmate transportation.

RESPONSE REQUESTED:

1. The Siskiyou County Board of Supervisors is requested to respond per 933.05 (a) PC.
2. The Siskiyou County Sheriff is invited to respond per 933.05 (a) PC.

DEADWOOD CONSERVATION CAMP

BACKGROUND:

The Siskiyou County Grand Jury is required to report on the operations and conditions of all prisons within the County annually as per section 919 (B) of the Penal Code. On March 30, 2005, an ad hoc committee of six Grand Jurors conducted an inspection of the Deadwood Conservation Camp.

FINDINGS:

1. The Deadwood Conservation Camp was opened June 1, 1962. The California Department of Corrections (CDC) and the California Department of Forestry and Fire Protection (CDF) jointly operate the Camp. The primary mission of the Camp is to provide inmate fire crews for fire suppression, principally in the Siskiyou County area. In addition to fire suppression, inmate hand crews provide a work force for floods, conservation projects, and community services. Projects in the camp include a CDF vehicle shop where inmates restore and repair state, federal, and volunteer fire department vehicles, and a CDF wood shop where inmates build cabinets for state, federal, and local government entities.
2. The CDC is responsible for the selection, supervision, care and discipline of the inmates. The CDF maintains the camp, supervises the work of the inmate fire crews, and is responsible for the custody of the inmates on their CDF project activities. CDC staff may accompany the crews to provide for security and care of the inmates while they are away from the camp on fires, floods, or other emergency assignments. The inmates must have around-the-clock supervision while on projects and during emergency incident assignments.
3. Deadwood Camp is located in Siskiyou County, five miles north of Fort Jones, California. CDC assigns a staff of six Correctional Officers, one Correctional Sergeant, and one Correctional Lieutenant (also known as the CDC Camp Commander). The on-sight CDF staff consists of eight Fire Crew

Captains, one Heavy Fire Equipment Operator, one Stationary Engineer, and one Assistant Chief (also known as the CDF Division Chief).

4. The designed capacity of the camp is eighty-eight minimum-custody male, convicted felons. This represents four 17-man fire crews. The remaining inmates serve as cooks, clerks, landscapers, porters, camp maintenance workers, and skilled shop workers.

5. The inmates committed to the CDC are selected by a sophisticated classification system, trained at the California Correctional Center near Susanville, and assigned to the Deadwood Conservation Camp. On average, inmates in camps are serving the remaining eight months of two-year sentences. Inmates selected cannot have a record of any sex-related offenses, murder, escape, arson, or have a history of violent crimes. Most of the inmates are serving time for alcohol, drug, or property related crimes.

6. Inmates are paid for their work. The majority of the inmates are laborers who receive \$1.45 per day. Skilled inmates may earn up to \$2.56 per day. Skilled inmates include mechanics, clerks, plumbers, welders, carpenters and electricians. The lead cook may earn up to \$3.90 per day. While assigned to fighting fires or working on other declared emergencies, inmates may earn \$1.00 per hour. Inmates may purchase items such as toiletries, correspondence materials and snacks from the Camp Canteen. Inmates retain their earnings in an inmate trust fund to assist their families, or for their use upon release to parole. During their leisure time, inmates may participate in hobby craft, softball, basketball, horseshoes, reading or other activities. Community volunteers provide spiritual services. Public donations to the inmate recreation fund are welcomed by staff and may include such items as puzzles, board games, video games, books, etc. To make a donation, one may contact the CDC staff.

7. Inmates quickly learn that life at a conservation camp is more desirable than serving time behind the walls of a prison. Their work activities and efforts during emergencies build a strong work ethic, and a feeling of self worth. These activities prepare the inmates for release back into their communities.

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8. Inmates at the camp live in open dormitories. There is a dining hall that is staffed with inmate cooks and supervised by CDC staff. The CDC staff provides around-the-clock, seven-day-a-week supervision of the inmates in camp. A count of the inmates is taken every two hours, day and night.
 9. Annually, the Deadwood Conservation Camp inmates average 27,000 hours in fire fighting, and another 156,000 in conservation and public service projects for state and federal departments in the local area. The local governmental organizations (County, City, Schools etc.) receive approximately 31,000 hours of labor annually. Over the last several years, inmates of this camp also performed thousands of hours of work in flood control for the benefit of Siskiyou County. It has been estimated that in an average year, the inmate fire crews save the California taxpayers \$1.4 million in labor costs.
 10. The Deadwood Conservation Camp provides further economical benefits through local vendor purchases. Annually, approximately \$140,000 is spent on goods and services purchased from local vendors. The payroll to staff members that reside in the Yreka and Fort Jones areas is in excess of \$1 million annually. CDC camp staff members are involved as volunteers in community services including school activities, youth sports, charitable organizations, churches, etc.
 11. The Camp is very well organized and maintained. The Grand Jury was very impressed.

CONCLUSIONS:

The Deadwood Conservation Camp is an extremely valuable part of the infrastructure of Siskiyou County. Besides the obvious value of fire protection, the inmates accomplish many additional good works for the County. Also, the facility provides employment for staff that lives locally and spends money within the community. The County is fortunate to have such a facility as the Deadwood Conservation Camp located within its borders and should do everything within its power to assure that it remains here.

REPONSE REQUIRED:

None.

**WATCHDOG: SISKIYOU COUNTY PROBATION DEPARTMENT
AND JUVENILE HALL**

BACKGROUND:

The Grand Jury toured the existing Juvenile Hall and Probation Department as well as the new Juvenile Hall facility presently under construction.

FINDINGS:

1. Both staff and management are dedicated to ensuring that the boys and girls staying in Juvenile Hall are well cared for.
2. The facility is clean, and well maintained. The building is old and will be replaced by the new facility which is expected to be completed in January 2006.
3. There is a well rounded curriculum in the school which is housed in the facility. There are three teachers on staff so the students get a lot of one on one time. The school area is well equipped with many books for the students to read.
4. Meals are prepared on premises and provide good nutrition for the children.
5. The layout of the facility provides for excellent supervision of the children while maintaining safety for staff members.
6. Confidentiality of juvenile records is strictly enforced.
7. Medical services are maintained to provide mandated care for the children at the facility.
8. When completed, the new Juvenile Hall will house up to 40 inmates with provisions for handicapped children.

9. The new facility is very well designed. There is a large indoor exercise and play room along with a large outside area for the children. The inmates will eat in the area below their rooms much like that of the County Jail.

10. There is a large kitchen with lots of storage area.

11. There is a large back-up generator to ensure there will be no power outages at the facility.

12. There is a plan underway to hire additional staff, and, prior to opening, train both new and existing staff members in use of the new facility

CONCLUSIONS:

1. The new facility could house the Juvenile Court proceedings thus providing for confidentiality, safety and security of the juveniles as well as the staff. Thus, the Juveniles could be moved directly from their cells to the hearing room and back completely within the secure facility without the need for a holding room and security curtain as is the case in the county court facility. The procedure would keep the juveniles completely separated from the public areas.

2. Since the old facility was funded under a grant, it can be used for detention of minors for four more years. Some possible uses include a transitional facility or a receiving home.

RECOMMENDATIONS:

1. Since there are only 15 children in Juvenile Hall at this time, the Grand Jury recommends that the County should take in children from other counties. This, in turn, will bring income to the County.

2. The Grand Jury recommends that all Juvenile Court proceedings be held at the new facility.

3. The Grand Jury also recommends that the old facility be converted to a receiving home for those children who have been removed from their home.

RESPONSE:

No response is required.

HAMMOND RANCH FIRE AND EMERGENCY RESPONSE ZONE

Grand Jury File 090204-6

BACKGROUND:

The Hammond Ranch Fire and Emergency Response Zone (HRFZ) is a part of County Service Area #4. Siskiyou County contracts with the Hammond Ranch Fire Company (HRFC) for fire protection services within the HRFZ. The 2002-2003 and 2003-2004 Grand Juries (GJ) both reported on investigations of complaints concerning the HRFZ. The reports by the juries included recommendations that the succeeding Grand Jury continue the investigation. The 2003-2004 GJ was involved in a legal action regarding access to certain documentation that the GJ felt was critical to their investigation. As a result of that action, a court ordered independent audit of financial records of the HRFC and the Hammond Ranch Firefighters Association (HRFA) was conducted. Since all GJ files relating to the case were submitted to the Auditor, further Grand Jury investigation was suspended until the audit was complete. Two complaints were received by the 2004-2005 Grand Jury relating to alleged irregularities in HRFZ. A question regarding the distribution of Internal Revenue Service W-2 forms for firefighters was raised as well as alleged improper use of County funds to reimburse legal fees arising from the 2004 Grand Jury litigation. In addition, the complainants urged the 2004-2005 Grand Jury to continue the investigations recommended by the previous Grand Jury.

FINDINGS:

1. The independent audit of the HRFA and HRFC for the years ending June 30, 2001, 2002, and 2003 was completed and a report was transmitted to the County on February 1, 2005. Data for the year ending June 30, 2004 was not available to the auditors. Results of the audit are on public record, having been presented to the County Board of Supervisors on March 8, 2005. Irregularities were reported in the

financial records of the entities and included commingling of HRFA and HRFC funds and lack of any formal record keeping system.

2. The recommendations listed in the audit reports for each of the three years covered in the audit were not available to the entities involved until the report was released in March, 2005.

3. The completed W-2 forms were mailed by the County Auditor and the complainant acknowledged receipt.

4. The county accumulates the proceeds from the special fire protection fee (approved by the Hammond Ranch property owners) in the HRFZ account in the county bookkeeping system. Other moneys received by the HRFC are also accumulated therein.

5. The 2002-2003 Grand Jury report recommended that “a publicly elected board be established in the zone to provide a voice for the taxpayers”. The Board of Supervisors response to the report outlines petition and formation mechanisms which can be followed by residents. To date, the Hammond Ranch community has not gone through the process.

6. Regular meetings of the HRFC Board are posted outside the door of the firehouse and in the local paper. Additionally, County Supervisor Bill Hoy regularly hosts HRFZ meetings in order to gain citizen input and provide a public forum for citizens’ complaints.

7. Although the Hammond Ranch situation has been held in the news for the last two years, citizens other than the original complainants have not come forward to attempt to change the status quo.

CONCLUSIONS:

1. Insufficient time has passed to determine if the organization of the entities involved has been revised as recommended in the independent auditor’s report.

2. The Grand Jury concludes that the majority of Hammond Ranch tax payers are not extremely concerned with the HRFZ and the HRFC operations.

3. The funds to reimburse the legal fees accumulated by the HRFC during the court action against the County and the Grand Jury were correctly charged to the HRFZ account. The HRFC felt that they have “ownership” of the money even though it is administered by the County Auditor.

RECOMMENDATIONS:

1. The Grand Jury recommends that, prior to adopting a new contract with the HRFC, the Board of Supervisors assure that the provisions of the old contract have been met, and that the recommendations of the independent auditor have been met.
2. Disgruntled individuals should avail themselves of the established processes such as petitions and/or organized mass attendance at the meetings presently called for the purpose of hearing citizen complaints.

RESPONSE:

The Board of Supervisors is requested to respond pursuant to California Penal Code 933.05(a).